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REMARKS / DISCUSSION OF ISSUES

Claims 1-18 and 20-27 are pending in the application.

Claim 9 is amended to specifically recite that the computer readable medium is non-transitory, to conform to the latest USPTO guidelines. No new matter is added, and the intended scope of the claim is unchanged, because the claim had stated that the claimed software was stored on the computer readable medium, and a transitory medium is not suitable for storage.

Claims 9 and 13 are also amended to correct minor informalities. No new matter is added, and the intended scope of the claims is unchanged.

The Examiner objects to the specification for not defining a computer readable medium. The applicants respectfully disagree with this objection. At the time the application was filed, one of ordinary skill in the art would know that a computer readable medium is any medium that can be read by a computer, and no further definition is required.

The Examiner rejects claims 9-12 under 35 U.S.C. 101. The applicants respectfully traverse this rejection. Claim 9, upon which claims 10-12 depend, is amended to exclude transient media, such as signals. Reconsideration of this rejection is respectfully requested.

The Examiner rejects claims 13-21 under 35 U.S.C. 101. The applicants respectfully traverse this rejection.

Claim 13 recites a device with elements that are configured to perform particular tasks. The Examiner asserts that the claimed device could be software, per se. This assertion is incorrect. Software, per se ("by itself"), cannot perform *any* function. Software, by itself, is not a device. Software, by itself, cannot "render content material", or "control reception of content", or "receive a URI via a UPnP interface", or perform any of the other claimed functions. Absent a hardware device that executes the software, the software is incapable of performing any function by itself ("per se").

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Accordingly, the applicants respectfully maintain that the rejection of claims 13-21 under 35 U.S.C. 101 is unfounded, and should be withdrawn.

The Examiner rejects claims 1-3, 5-7, 9-11, and 13-27 under 35 U.S.C. 103(a) over Weast (USP 7,454,511) and Salmonsen et al. (USPA 2003/0220781, hereinafter Salmonsen). The applicants respectfully traverse this rejection.

Claim 1 specifically recites receiving a URI representative of a UPnP Content Directory Service description. Independent claim 9 recites processing a URI representation of a UPnP Content Directory Service description. Independent claim 13 recites receiving a URI from an external UPnP Control Point for receiving a content directory from a media server that provides an organization context of an item of the content at the media server. Independent claim 22 recites receiving a URI corresponding to a context of a content item within the media server.

As known in the art, as detailed in the UPnP standard, and as defined in the applicants' specification, the Content Directory Service provides a variety of browsing and other functions, based on a hierarchical/contextual description of all of the accessible content on a device. As is also well known in the art, a "playlist" is merely a sequential list of material to be rendered; it is not a Content Directory Service, nor a description of a Content Directory Service; it also does not provide an organization context of an item of content at a media server.

The Examiner acknowledges that Weast fails to teach receiving or processing a URI representation of a UPnP Content Directory Service description, and asserts that Salmonsen provides this teaching at paragraph [0123] lines 1-15, and paragraph [150] lines 1-8. This assertion is incorrect. Nowhere in the cited text does Salmonsen teach or suggest creating a URI representation of a Content Directory Service. Salmonsen's paragraph [0123] is also cited to support the rejection of claims 9, 13, and 22.

At [0123] Salmonsen discloses a media directory. Assuming in argument that Salmonsen's media directory can be considered to correspond to a Content Directory Service, nowhere in the cited text does Salmonsen disclose creating a URI representation of this media directory:

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> "The media directory 518 is a media container, holding a list of all available
> media content and possibly some or all of the media content. The media
> directory 518 operates as a virtual media directory, enabling and facilitating
> access to locally-stored media content and remote media contained by other
> servers and devices. The media directory 518 stores Uniform Resource
> Identifiers (URIs) that identify content resources. URIs includes WWW
> addresses, Universal Document Identifiers, Universal Resource Identifiers, and
> combinations of Uniform Resource Locators (URL) and Names (URN). Uniform
> Resource Identifiers are formatted strings that identify a resource by name,
> location, or another characteristic. The media directory 518 holds URIs of all
> files that the server 500 can deliver for rendering. The URIs can correspond to
> files stored anywhere." (Salmonsen [0123].)

As is clearly evident, Salmonsen discloses that the media directory <u>contains</u> URIs;

Salmonsen does not teach or suggest that a description of the media directory is

available as a URI representation, nor does Salmonsen teach or suggest that the media

renderer and/or controller receives or processes such a (non-existent) URI

representation of a description of the media directory.

At [0150] Salmonsen is silent with regard to the aforementioned media directory

that the Examiner has apparently determined to correspond to the claimed Content

Directory Service:

> "The control point 932 requests information from the server 918 using
> commands such as Simple Object Access Protocol (SOAP) commands in the
> eXtended Markup Language Transmission Control Protocol (XML TCP)
> protocol. The server 918 can respond with Unified Resource Identifiers (URIs)
> for play lists and content. The control point 932 transfers the URIs to the
> content request handler 912 in the renderer 910."

At the cited text, Salmonsen specifically teaches communicating the URIs for play lists

and content. Neither play lists nor content correspond to Salmonsen's media directory,

and thus cannot be said to correspond to the claimed Content Directory Service that is

asserted to correspond to Salmonsen's media directory.

That is, with regard to [0123] the Examiner is apparently equating Salmonsen's

media directory with the claimed Content Directory Service description, whereas with

regard to [0150] the Examiner is apparently equating Salmonsen's play lists with the

claimed Content Directory Service description. Such inconsistency is not permissible in

claim construction.

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Because the Examiner has failed to identify where the combination of Weast and Salmonsen teaches or suggests receiving a URI representation of a Content Directory Services description, and because the cited references to Salmonsen are divergent with regard to elements of the applicants' claims, the applicants respectfully maintain that the rejection of claims 1-3, 5-7, 9-11, and 13-27 under 35 U.S.C. 103(a) over Weast and Salmonsen is unfounded, and should be withdrawn.

If this rejection is maintained, the applicants respectfully request that the Examiner identify a particular element in the prior art corresponding to each of the elements in the applicants' claims, as required by 37 CFR 1.104(c)(2) and MPEP 707, which explicitly state that "the particular part relied on must be designated." The applicants specifically request that the Examiner identify which particular part in Salmonsen corresponds to the claimed UPnP Content Description Services, which particular part in Salmonsen corresponds to the claimed Content Description Services description, and which particular part in Salmonsen corresponds to the claimed URI representation of the Content Description Services.

The Examiner rejects claims 4, 8, and 12 under 35 U.S.C. 103(a) over Weast, Salmonsen, and Saulpaugh et al. (USP 7,065,574, hereinafter Saulpaugh). The applicants respectfully traverse this rejection.

Claims 4 and 8 are dependent upon claim 1, and claim 12 is dependent upon claim 9. In this rejection, the Examiner relies on the combination of Weast and Salmonsen for teaching the elements of claims 1 and 9. As detailed above, the combination of Weast and Salmonsen fails to teach or suggest each of the elements of claims 1 and 9. Accordingly, the applicants respectfully maintain that the rejection of claims 4, 8, and 12 under 35 U.S.C. 103(a) that relies on the combination of Weast and Salmonsen for teaching the elements of claims 1 and 9 is unfounded, and should be withdrawn.

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In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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